

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Matthew J. Mabe,

Petitioner,

v.

Civil Action No. 1:14-cv-12

Commissioner of the Vermont
Department of Corrections,
The State of Vermont,

Respondents.

SHOW-CAUSE ORDER AND
REPORT AND RECOMMENDATION

(Doc. 4)

Petitioner Matthew J. Mabe, proceeding *pro se*, is a Vermont state prisoner seeking a Writ of Habeas Corpus under 28 U.S.C. § 2254. (*See* Doc. 4.) On May 22, 2014, the Court adopted my Report and Recommendation (Doc. 9) and stayed this action “conditioned on Mabe’s pursuing state court remedies within thirty (30) days, and his return to this Court within thirty (30) days after exhausting those remedies.” (Doc. 10 at 1.)

Four months have now passed since the Court’s Order conditionally staying this action, and Mabe has filed nothing to indicate whether he is pursuing state-court remedies. It does not appear from Vermont state court online records that there has been any action in Mabe’s original PCR case (No. 299-5-13 Wrcv) since it was dismissed without prejudice on March 5, 2014. *See* “Vermont Courts Online,”

<https://secure.vermont.gov/vtcdas/user> (last visited Oct. 1, 2014) (registration required).

Neither does it appear that Mabe has instituted any new PCR case. *See id.* Accordingly, Mabe is ORDERED to show cause within 14 days after service of this Order why the Court should not vacate the stay and dismiss the petition. (*See* Doc. 9 at 8.) If Mabe fails to show cause, I recommend that the Court vacate the stay and dismiss the petition.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 1st day of October, 2014.

/s/ John M. Conroy
John M. Conroy
United States Magistrate Judge

Any party may object to this Report and Recommendation within fourteen days after service thereof, by filing with the Clerk of the Court and serving on the Magistrate Judge and all parties, written objections which shall specifically identify those portions of the Report and Recommendation to which objection is made and the basis for such objections. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b)(2); L.R. 72(c). Failure to timely file such objections “operates as a waiver of any further judicial review of the magistrate’s decision.” *Small v. Sec’y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).